

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1849**

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**Introduced by Assembly Member Gipson**

February 9, 2016

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An act to amend Sections 391 and 16501.1 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL’S DIGEST

AB 1849, as amended, Gipson. Foster youth: transition to independent living: health insurance coverage.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law extends certain foster care benefits to youth up to 21 years of age, known as nonminor-~~dependents~~ *dependents*, if specified conditions are met.

Existing law requires a county social worker to develop a case plan for a minor or nonminor dependent that includes, among other things, when appropriate, for a child who is 16 years of age or older and for a nonminor dependent, a transitional independent living plan. During the 90-day period prior to the participant attaining 18 years of age or older, existing law requires a case worker or appropriate agency staff or probation officer and other representatives of the participant, as appropriate, to provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan that is personalized at the direction of the child, and requires the plan to include, among other things, options regarding health insurance.

This bill would require, for purposes of the 90-day transition plan, ~~options information provided~~ regarding health insurance ~~options~~ to include verification that the youth or nonminor is enrolled in Medi-Cal and a description of the steps ~~already taken and that~~ *that have been or* will be taken by the youth's social worker or probation officer ~~upon case closure~~ to ensure that the youth or nonminor is transitioned into the Medi-Cal ~~program~~, *program upon case closure*, as specified.

Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has attained 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that specified information, documents, and services have been provided to the nonminor, including the written 90-day transition plan, assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance, and a letter prepared by the county welfare department that includes specified information.

The bill would revise the list of information, services, and documents that are required to be provided to the nonminor to include, among other things, a Medi-Cal Benefits Identification Card and ~~written information notifying the nonminor of the availability of continued and uninterrupted enrollment in Medi-Cal coverage up to 26 years of age~~ for eligible nonminors *up to 26 years of age* pursuant to specified provisions of law.

By expanding the duties of counties relating to the transition of foster youth from foster care to independent living, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 391 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 391. (a) The dependency court shall not terminate jurisdiction
- 4 over a nonminor unless a hearing is conducted pursuant to this
- 5 section.

1 (b) At any hearing for a nonminor at which the court is  
2 considering termination of the jurisdiction of the juvenile court,  
3 the county welfare department shall do all of the following:

4 (1) Ensure that the dependent nonminor is present in court,  
5 unless the nonminor does not wish to appear in court, and elects  
6 a telephonic appearance, or document reasonable efforts made by  
7 the county welfare department to locate the nonminor when the  
8 nonminor is not available.

9 (2) Submit a report describing whether it is in the nonminor's  
10 best interests to remain under the court's dependency jurisdiction,  
11 which includes a recommended transitional independent living  
12 case plan for the nonminor when the report describes continuing  
13 dependency jurisdiction as being in the nonminor's best interest.

14 (3) If the county welfare department recommends termination  
15 of the court's dependency jurisdiction, submit documentation of  
16 the reasonable efforts made by the department to provide the  
17 nonminor with the assistance needed to meet or maintain eligibility  
18 as a nonminor dependent, as defined in paragraphs (1) to (5),  
19 inclusive, of subdivision (b) of Section 11403.

20 (4) If the nonminor has indicated that he or she does not want  
21 dependency jurisdiction to continue, the report shall address the  
22 manner in which the nonminor was advised of his or her options,  
23 including the benefits of remaining in foster care, and of his or her  
24 right to reenter foster care and to file a petition pursuant to  
25 subdivision (e) of Section 388 to resume dependency jurisdiction  
26 prior to attaining 21 years of age.

27 (c) (1) The court shall continue dependency jurisdiction over  
28 a nonminor who meets the definition of a nonminor dependent as  
29 described in subdivision (v) of Section 11400 unless the court finds  
30 either of the following:

31 (A) That the nonminor does not wish to remain subject to  
32 dependency jurisdiction.

33 (B) That the nonminor is not participating in a reasonable and  
34 appropriate transitional independent living case plan.

35 (2) In making the findings pursuant to paragraph (1), the court  
36 ~~must~~ *shall* also find that the nonminor has been informed of his  
37 or her options including the benefits of remaining in foster care  
38 and the right to reenter foster care by filing a petition pursuant to  
39 subdivision (e) of Section 388 to resume dependency jurisdiction  
40 and by completing a voluntary reentry agreement pursuant to

1 subdivision (z) of Section 11400, and has had an opportunity to  
2 confer with his or her counsel if counsel has been appointed  
3 pursuant to Section 317.

4 (d) (1) The court may terminate its jurisdiction over a nonminor  
5 if the court finds after reasonable and documented efforts the  
6 nonminor cannot be located.

7 (2) When terminating dependency jurisdiction, the court shall  
8 maintain general jurisdiction over the nonminor to allow for the  
9 filing of a petition to resume dependency jurisdiction under  
10 subdivision (e) of Section 388 until the nonminor attains 21 years  
11 of age, although no review proceedings shall be required. A  
12 nonminor may petition the court pursuant to subdivision (e) of  
13 Section 388 to resume dependency jurisdiction at any time before  
14 attaining 21 years of age.

15 (e) The court shall not terminate dependency jurisdiction over  
16 a nonminor who has attained 18 years of age until a hearing is  
17 conducted pursuant to this section and the department has  
18 submitted a report verifying that the following information,  
19 documents, and services have been provided to the nonminor, or  
20 in the case of a nonminor who, after reasonable efforts by the  
21 county welfare department, cannot be located, verifying the efforts  
22 made to make the following available to the nonminor:

23 (1) Written information concerning the nonminor's case,  
24 including any known information regarding the nonminor's Indian  
25 heritage or tribal connections, if applicable, his or her family  
26 history and placement history, any photographs of the nonminor  
27 or his or her family in the possession of the county welfare  
28 department, other than forensic photographs, the whereabouts of  
29 any siblings under the jurisdiction of the juvenile court, unless the  
30 court determines that sibling contact would jeopardize the safety  
31 or welfare of the sibling, directions on how to access the documents  
32 the nonminor is entitled to inspect under Section 827, and the date  
33 on which the jurisdiction of the juvenile court would be terminated.

34 (2) The following documents:

35 (A) Social security card.

36 (B) Certified copy of his or her birth certificate.

37 (C) Health and education summary, as described in subdivision  
38 (a) of Section 16010.

1 (D) Driver's license, as described in Section 12500 of the  
2 Vehicle Code, or identification card, as described in Section 13000  
3 of the Vehicle Code.

4 (E) A letter prepared by the county welfare department that  
5 includes the following information:

6 (i) The nonminor's name and date of birth.

7 (ii) The dates during which the nonminor was within the  
8 jurisdiction of the juvenile court.

9 (iii) A statement that the nonminor was a foster youth in  
10 compliance with state and federal financial aid documentation  
11 requirements.

12 ~~(iv) Verification that the nonminor is enrolled in Medi-Cal.~~

13 (F) If applicable, the death certificate of the parent or parents.

14 (G) If applicable, proof of the nonminor's citizenship or legal  
15 residence.

16 (H) An advance health care directive form.

17 (I) The Judicial Council form that the nonminor would use to  
18 file a petition pursuant to subdivision (e) of Section 388 to resume  
19 dependency jurisdiction.

20 (J) The written 90-day transition plan prepared pursuant to  
21 Section 16501.1.

22 ~~(K) A Written verification that the nonminor is enrolled in~~  
23 ~~Medi-Cal and the nonminor's Medi-Cal Benefits Identification~~  
24 ~~Card.~~

25 ~~(3) Written information notifying the nonminor of the~~  
26 ~~availability of continued~~ *Continued* and uninterrupted *enrollment*  
27 ~~in Medi-Cal coverage up to 26 years of age for eligible nonminors~~  
28 ~~pursuant to Section 14005.28 or 14005.285.~~

29 (4) Referrals to transitional housing, if available, or assistance  
30 in securing other housing.

31 (5) Assistance in obtaining employment or other financial  
32 support.

33 (6) Assistance in applying for admission to college or to a  
34 vocational training program or other educational institution and  
35 in obtaining financial aid, where appropriate.

36 (7) Assistance in maintaining relationships with individuals  
37 who are important to a nonminor who has been in out-of-home  
38 placement for six months or longer from the date the nonminor  
39 entered foster care, based on the nonminor's best interests.

(8) For nonminors between 18 and 21 years of age, assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence, and, upon the nonminor's request, assistance in completing a voluntary reentry agreement for care and placement pursuant to subdivision (z) of Section 11400 and in filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(9) Written information notifying the child that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code. The preference shall be granted to applicants up to 26 years of age.

(f) At the hearing closest to and before a dependent minor's 18th birthday and every review hearing thereafter for nonminors, the department shall submit a report describing efforts toward completing the items described in paragraph (2) of subdivision (e).

(g) The Judicial Council shall develop and implement standards, and develop and adopt appropriate forms necessary to implement this provision.

SEC. 2. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(3) The agency shall consider the recommendations of the child and family team, as defined in ~~paragraph (4) of subdivision (a) of~~ Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(b) (1) A case plan shall be based upon the principles of this section and the input from the child and family team.

1 (2) The case plan shall document that a preplacement assessment  
2 of the service needs of the child and family, and preplacement  
3 preventive services, have been provided, and that reasonable efforts  
4 to prevent out-of-home placement have been made. Preplacement  
5 services may include intensive mental health services in the home  
6 or a community setting and the reasonable efforts made to prevent  
7 out-of-home placement.

8 (3) In determining the reasonable services to be offered or  
9 provided, the child's health and safety shall be the paramount  
10 concerns.

11 (4) Upon a determination pursuant to paragraph (1) of  
12 subdivision (e) of Section 361.5 that reasonable services will be  
13 offered to a parent who is incarcerated in a county jail or state  
14 prison, detained by the United States Department of Homeland  
15 Security, or deported to his or her country of origin, the case plan  
16 shall include information, to the extent possible, about a parent's  
17 incarceration in a county jail or the state prison, detention by the  
18 United States Department of Homeland Security, or deportation  
19 during the time that a minor child of that parent is involved in  
20 dependency care.

21 (5) Reasonable services shall be offered or provided to make it  
22 possible for a child to return to a safe home environment, unless,  
23 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
24 determines that reunification services shall not be provided.

25 (6) If reasonable services are not ordered, or are terminated,  
26 reasonable efforts shall be made to place the child in a timely  
27 manner in accordance with the permanent plan and to complete  
28 all steps necessary to finalize the permanent placement of the child.

29 (c) If out-of-home placement is used to attain case plan goals,  
30 the case plan shall consider the recommendations of the child and  
31 family team.

32 (d) (1) The case plan shall include a description of the type of  
33 home or institution in which the child is to be placed, and the  
34 reasons for that placement decision. The decision regarding choice  
35 of placement shall be based upon selection of a safe setting that is  
36 the least restrictive family setting that promotes normal childhood  
37 experiences and the most appropriate setting that meets the child's  
38 individual needs and is available, in proximity to the parent's home,  
39 in proximity to the child's school, and consistent with the selection  
40 of the environment best suited to meet the child's special needs

1 and best interests. The selection shall consider, in order of priority,  
2 placement with relatives, nonrelated extended family members,  
3 and tribal members; foster family homes, resource families, and  
4 nontreatment certified homes of foster family agencies; followed  
5 by treatment and intensive treatment certified homes of foster  
6 family agencies; or multidimensional treatment foster care homes  
7 or therapeutic foster care homes; group care placements in the  
8 order of short-term residential treatment centers, group homes,  
9 community treatment facilities, and out-of-state residential  
10 treatment pursuant to Part 5 (commencing with Section 7900) of  
11 Division 12 of the Family Code.

12 (2) If a short-term intensive treatment center placement is  
13 selected for a child, the case plan shall indicate the needs of the  
14 child that necessitate this placement, the plan for transitioning the  
15 child to a less restrictive environment, and the projected timeline  
16 by which the child will be transitioned to a less restrictive  
17 environment. This section of the case plan shall be reviewed and  
18 updated at least semiannually.

19 (A) The case plan for placements in a group home, or  
20 commencing January 1, 2017, in a short-term residential treatment  
21 center, shall indicate that the county has taken into consideration  
22 Section 16010.8.

23 (B) After January 1, 2017, a child and family team meeting as  
24 defined in Section 16501 shall be convened by the county placing  
25 agency for the purpose of identifying the supports and services  
26 needed to achieve permanency and enable the child or youth to be  
27 placed in the least restrictive family setting that promotes normal  
28 childhood experiences.

29 (3) On or after January 1, 2012, for a nonminor dependent, as  
30 defined in subdivision (v) of Section 11400, who is receiving  
31 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
32 in addition to the above requirements, the selection of the  
33 placement, including a supervised independent living placement,  
34 as described in subdivision (w) of Section 11400, shall also be  
35 based upon the developmental needs of young adults by providing  
36 opportunities to have incremental responsibilities that prepare a  
37 nonminor dependent to transition to successful adulthood. If  
38 admission to, or continuation in, a group home or short-term  
39 residential treatment center placement is being considered for a  
40 nonminor dependent, the group home or short-term residential



1 treatment center placement approval decision shall include a  
2 youth-driven, team-based case planning process, as defined by the  
3 department, in consultation with stakeholders. The case plan shall  
4 consider the full range of placement options, and shall specify why  
5 admission to, or continuation in, a group home placement is the  
6 best alternative available at the time to meet the special needs or  
7 well-being of the nonminor dependent, and how the placement  
8 will contribute to the nonminor dependent's transition to successful  
9 adulthood. The case plan shall specify the treatment strategies that  
10 will be used to prepare the nonminor dependent for discharge to  
11 a less restrictive family setting that promotes normal childhood  
12 experiences, including a target date for discharge from the group  
13 home placement. The placement shall be reviewed and updated  
14 on a regular, periodic basis to ensure that continuation in the group  
15 home placement remains in the best interests of the nonminor  
16 dependent and that progress is being made in achieving case plan  
17 goals leading to successful adulthood. The group home placement  
18 planning process shall begin as soon as it becomes clear to the  
19 county welfare department or probation office that a foster child  
20 in group home placement is likely to remain in group home  
21 placement on his or her 18th birthday, in order to expedite the  
22 transition to a less restrictive family setting that promotes normal  
23 childhood experiences, if he or she becomes a nonminor dependent.  
24 The case planning process shall include informing the youth of all  
25 of his or her options, including, but not limited to, admission to  
26 or continuation in a group home placement. Consideration for  
27 continuation of existing group home placement for a nonminor  
28 dependent under 19 years of age may include the need to stay in  
29 the same placement in order to complete high school. After a  
30 nonminor dependent either completes high school or attains his or  
31 her 19th birthday, whichever is earlier, continuation in or admission  
32 to a group home placement is prohibited unless the nonminor  
33 dependent satisfies the conditions of paragraph (5) of subdivision  
34 (b) of Section 11403, and group home placement functions as a  
35 short-term transition to the appropriate system of care. Treatment  
36 services provided by the group home placement to the nonminor  
37 dependent to alleviate or ameliorate the medical condition, as  
38 described in paragraph (5) of subdivision (b) of Section 11403,  
39 shall not constitute the sole basis to disqualify a nonminor  
40 dependent from the group home placement.

(4) In addition to the requirements of paragraphs (1) to (3), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(e) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from ~~the~~ 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings

1 requirements pursuant to Article 6 (commencing with Section 300)  
2 of Chapter 2 of Part 1 of Division 2.

3 (g) The case plan shall be developed considering the  
4 recommendations of the child and family team, as follows:

5 (1) The case plan shall be based upon an assessment of the  
6 circumstances that required child welfare services intervention.  
7 The child shall be involved in developing the case plan as age and  
8 developmentally appropriate.

9 (2) The case plan shall identify specific goals and the  
10 appropriateness of the planned services in meeting those goals.

11 (3) The case plan shall identify the original allegations of abuse  
12 or neglect, as defined in Article 2.5 (commencing with Section  
13 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
14 conditions cited as the basis for declaring the child a dependent of  
15 the court pursuant to Section 300, or all of these, and the other  
16 precipitating incidents that led to child welfare services  
17 intervention.

18 (4) The case plan shall include a description of the schedule of  
19 the placement agency contacts with the child and the family or  
20 other caretakers. The frequency of these contacts shall be in  
21 accordance with regulations adopted by the State Department of  
22 Social Services. If the child has been placed in foster care out of  
23 state, the county social worker or probation officer, or a social  
24 worker or probation officer on the staff of the agency in the state  
25 in which the child has been placed, shall visit the child in a foster  
26 family home or the home of a relative, consistent with federal law  
27 and in accordance with the department's approved state plan. For  
28 children in out-of-state group home facilities, visits shall be  
29 conducted at least monthly, pursuant to Section 16516.5. At least  
30 once every six months, at the time of a regularly scheduled  
31 placement agency contact with the foster child, the child's social  
32 worker or probation officer shall inform the child of his or her  
33 rights as a foster child, as specified in Section 16001.9. The social  
34 worker or probation officer shall provide the information to the  
35 child in a manner appropriate to the age or developmental level of  
36 the child.

37 (5) (A) When out-of-home services are used, the frequency of  
38 contact between the natural parents or legal guardians and the child  
39 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles  
2 outlined in this section.

3 (B) Information regarding any court-ordered visitation between  
4 the child and the natural parents or legal guardians, and the terms  
5 and conditions needed to facilitate the visits while protecting the  
6 safety of the child, shall be provided to the child's out-of-home  
7 caregiver as soon as possible after the court order is made.

8 (6) When out-of-home placement is made, the case plan shall  
9 include provisions for the development and maintenance of sibling  
10 relationships as specified in subdivisions (b), (c), and (d) of Section  
11 16002. If appropriate, when siblings who are dependents of the  
12 juvenile court are not placed together, the social worker for each  
13 child, if different, shall communicate with each of the other social  
14 workers and ensure that the child's siblings are informed of  
15 significant life events that occur within their extended family.  
16 Unless it has been determined that it is inappropriate in a particular  
17 case to keep siblings informed of significant life events that occur  
18 within the extended family, the social worker shall determine the  
19 appropriate means and setting for disclosure of this information  
20 to the child commensurate with the child's age and emotional  
21 well-being. These significant life events shall include, but shall  
22 not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the  
26 child objects to the sharing of the information with his or her  
27 siblings, including changes in placement, major medical or mental  
28 health diagnoses, treatments, or hospitalizations, arrests, and  
29 changes in the permanent plan.

30 (7) If out-of-home placement is made in a foster family home,  
31 group home, or other child care institution that is either a  
32 substantial distance from the home of the child's parent or out of  
33 state, the case plan shall specify the reasons why that placement  
34 is in the best interest of the child. When an out-of-state group home  
35 placement is recommended or made, the case plan shall, in  
36 addition, specify compliance with Section 7911.1 of the Family  
37 Code.

38 (8) A case plan shall ensure the educational stability of the child  
39 while in foster care and shall include both of the following:

1 (A) An assurance that the placement takes into account the  
2 appropriateness of the current educational setting and the proximity  
3 to the school in which the child is enrolled at the time of placement.

4 (B) An assurance that the placement agency has coordinated  
5 with the person holding the right to make educational decisions  
6 for the child and appropriate local educational agencies to ensure  
7 that the child remains in the school in which the child is enrolled  
8 at the time of placement or, if remaining in that school is not in  
9 the best interests of the child, assurances by the placement agency  
10 and the local educational agency to provide immediate and  
11 appropriate enrollment in a new school and to provide all of the  
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights  
14 have been terminated and the case plan is placement for adoption,  
15 the case plan shall include a recommendation regarding the  
16 appropriateness of unsupervised visitation between the child and  
17 any of the child's siblings. This recommendation shall include a  
18 statement regarding the child's and the siblings' willingness to  
19 participate in unsupervised visitation. If the case plan includes a  
20 recommendation for unsupervised sibling visitation, the plan shall  
21 also note that information necessary to accomplish this visitation  
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the  
24 visits between the child and siblings, as well as any court-ordered  
25 terms and conditions needed to facilitate the visits while protecting  
26 the safety of the child, shall be provided to the child's out-of-home  
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is  
29 reunification, the case plan shall describe the services to be  
30 provided to assist in reunification and the services to be provided  
31 concurrently to achieve legal permanency if efforts to reunify fail.  
32 The plan shall also consider in-state and out-of-state placements,  
33 the importance of developing and maintaining sibling relationships  
34 pursuant to Section 16002, and the desire and willingness of the  
35 caregiver to provide legal permanency for the child if reunification  
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care  
38 for at least 12 months, and the goal is not adoptive placement, the  
39 case plan shall include documentation of the compelling reason  
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the  
2 past 12 months by the department when it is acting as an adoption  
3 agency or by a licensed adoption agency that it is unlikely that the  
4 child will be adopted, or that one of the conditions described in  
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity  
8 to review the case plan, and to sign it whenever possible, and then  
9 shall receive a copy of the plan. In a voluntary service or placement  
10 agreement, the parents or legal guardians shall be required to  
11 review and sign the case plan. Whenever possible, parents and  
12 legal guardians shall participate in the development of the case  
13 plan. Commencing January 1, 2012, for nonminor dependents, as  
14 defined in subdivision (v) of Section 11400, who are receiving  
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
16 to Section 11403, the transitional independent living case plan, as  
17 set forth in subdivision (y) of Section 11400, shall be developed  
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant  
20 to Section 1228.1 of the Evidence Code, neither their signature on  
21 the child welfare services case plan nor their acceptance of any  
22 services prescribed in the child welfare services case plan shall  
23 constitute an admission of guilt or be used as evidence against the  
24 parent or legal guardian in a court of law. However, they shall also  
25 be advised that the parent's or guardian's failure to cooperate,  
26 except for good cause, in the provision of services specified in the  
27 child welfare services case plan may be used in any hearing held  
28 pursuant to Section 366.21, 366.22, or 366.25 of this code as  
29 evidence.

30 (13) A child shall be given a meaningful opportunity to  
31 participate in the development of the case plan and state his or her  
32 preference for foster care placement. A child who is 12 years of  
33 age or older and in a permanent placement shall also be given the  
34 opportunity to review the case plan, sign the case plan, and receive  
35 a copy of the case plan.

36 (14) The case plan shall be included in the court report and shall  
37 be considered by the court at the initial hearing and each review  
38 hearing. Modifications to the case plan made during the period  
39 between review hearings need not be approved by the court if the  
40 casework supervisor for that case determines that the modifications

1 further the goals of the plan. If out-of-home services are used with  
2 the goal of family reunification, the case plan shall consider and  
3 describe the application of subdivision (b) of Section 11203.

4 (15) (A) If the case plan has as its goal for the child a permanent  
5 plan of adoption or legal guardianship, it shall include a statement  
6 of the child's wishes regarding their permanent placement plan  
7 and an assessment of those stated wishes. The agency shall also  
8 include documentation of the steps the agency is taking to find an  
9 adoptive family or other permanent living arrangements for the  
10 child; to place the child with an adoptive family, an appropriate  
11 and willing relative, or a legal guardian, and to finalize the adoption  
12 or legal guardianship. At a minimum, the documentation shall  
13 include child-specific recruitment efforts, such as the use of state,  
14 regional, and national adoption exchanges, including electronic  
15 exchange systems, when the child has been freed for adoption.  
16 Regardless of whether the child has been freed for adoption,  
17 documentation shall include a description of any barriers to  
18 achieving legal permanence and the steps the agency will take to  
19 address those barriers. If the plan is for kinship guardianship, the  
20 case plan shall document how the child meets the kinship  
21 guardianship eligibility requirements.

22 (B) When the child is 16 years of age or older and is in another  
23 planned permanent living arrangement, the case plan shall identify  
24 the intensive and ongoing efforts to return the child to the home  
25 of the parent, place the child for adoption, place the child for tribal  
26 customary adoption in the case of an Indian child, establish a legal  
27 guardianship, or place the child nonminor dependent with a fit and  
28 willing relative, as appropriate. Efforts shall include the use of  
29 technology, including social media, to find biological family  
30 members of the child.

31 (16) (A) (i) For a child who is 14 or 15 years of age, the case  
32 plan shall include a written description of the programs and services  
33 that will help the child, consistent with the child's best interests,  
34 to prepare for the transition from foster care to successful  
35 adulthood. The description may be included in the document  
36 described in subparagraph (A) of paragraph (18).

37 (ii) When appropriate, for a child who is 16 years of age or older  
38 and, commencing January 1, 2012, for a nonminor dependent, the  
39 case plan shall include the transitional independent living plan  
40 (TILP), a written description of the programs and services that

1 will help the child, consistent with the child's best interests, to  
2 prepare for the transition from foster care to successful adulthood,  
3 and, in addition, whether the youth has an in-progress application  
4 pending for Title XVI Supplemental Security Income benefits or  
5 for Special Immigrant Juvenile Status or other applicable  
6 application for legal residency and an active dependency case is  
7 required for that application. When appropriate, for a nonminor  
8 dependent, the transitional independent living case plan, as  
9 described in subdivision (v) of Section 11400, shall include the  
10 TILP, a written description of the programs and services that will  
11 help the nonminor dependent, consistent with his or her best  
12 interests, to prepare for transition from foster care and assist the  
13 youth in meeting the eligibility criteria set forth in paragraphs (1)  
14 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,  
15 the case plan shall describe the individualized supervision provided  
16 in the supervised independent living placement as defined in  
17 subdivision (w) of Section 11400. The case plan shall be developed  
18 with the child or nonminor dependent and individuals identified  
19 as important to the child or nonminor dependent, and shall include  
20 steps the agency is taking to ensure that the child or nonminor  
21 dependent achieves permanence, including maintaining or  
22 obtaining permanent connections to caring and committed adults.

23 (B) During the 90-day period prior to the participant attaining  
24 18 years of age or older as the state may elect under Section  
25 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
26 675(8)(B)(iii)), whether during that period foster care maintenance  
27 payments are being made on the child's behalf or the child is  
28 receiving benefits or services under Section 477 of the federal  
29 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
30 appropriate agency staff or probation officer and other  
31 representatives of the participant, as appropriate, shall provide the  
32 youth or nonminor dependent with assistance and support in  
33 developing the written 90-day transition plan, that is personalized  
34 at the direction of the child, information as detailed as the  
35 participant elects that shall include, but not be limited to, options  
36 regarding housing, health insurance, education, local opportunities  
37 for mentors and continuing support services, and workforce  
38 supports and employment services, a power of attorney for health  
39 care, and information regarding the advance health care directive  
40 form. ~~Options~~ *Information provided* regarding health insurance



*options* shall include verification that the youth or nonminor is enrolled in Medi-Cal and a description of the steps ~~already taken~~ *and that have been or will be taken* by the youth's social worker or probation officer ~~upon case closure~~ to ensure that the youth or nonminor is transitioned into the Medi-Cal program for former foster youth ~~without any~~ *upon case closure with no* interruption in coverage and without ~~requiring~~ a new application ~~pursuant to being required, as provided in Section 14005.28.~~

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining his or her reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the youth and who are not foster parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual selected by the youth to be a member of the case planning team if the agency has good cause to believe that the individual would not act in the youth's best interest. One individual selected by the youth to be a member of the case planning team may be designated to be the youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard to the youth, as necessary.

(18) For youth in foster care 14 years of age and older and nonminor dependents, the case plan shall include both of the following:

(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of his or her credit reports at

1 no cost while in foster care pursuant to Section 10618.6, and the  
2 right to stay safe and avoid exploitation.

3 (B) A signed acknowledgment by the youth that he or she has  
4 been provided a copy of the document and that the rights described  
5 in the document have been explained to the youth in an  
6 age-appropriate manner.

7 (19) The case plan for a child or nonminor dependent who is,  
8 or who is at risk of becoming, the victim of commercial sexual  
9 exploitation, shall document the services provided to address that  
10 issue.

11 (h) If the court finds, after considering the case plan, that  
12 unsupervised sibling visitation is appropriate and has been  
13 consented to, the court shall order that the child or the child's  
14 siblings, the child's current caregiver, and the child's prospective  
15 adoptive parents, if applicable, be provided with information  
16 necessary to accomplish this visitation. This section does not  
17 require or prohibit the social worker's facilitation, transportation,  
18 or supervision of visits between the child and his or her siblings.

19 (i) The case plan documentation on sibling placements required  
20 under this section shall not require modification of existing case  
21 plan forms until the Child Welfare Service/Case Management  
22 System (CWS/CMS) is implemented on a statewide basis.

23 (j) When a child is 10 years of age or older and has been in  
24 out-of-home placement for six months or longer, the case plan  
25 shall include an identification of individuals, other than the child's  
26 siblings, who are important to the child and actions necessary to  
27 maintain the child's relationship with those individuals, provided  
28 that those relationships are in the best interest of the child. The  
29 social worker or probation officer shall ask every child who is 10  
30 years of age or older and who has been in out-of-home placement  
31 for six months or longer to identify individuals other than the  
32 child's siblings who are important to the child, and may ask any  
33 other child to provide that information, or may seek that  
34 information from the child and family team, as appropriate. The  
35 social worker or probation officer shall make efforts to identify  
36 other individuals who are important to the child, consistent with  
37 the child's best interests.

38 (k) The child's caregiver shall be provided a copy of a plan  
39 outlining the child's needs and services. The nonminor dependent's  
40 caregiver shall be provided with a copy of the nonminor's TILP.

1 (l) Each county shall ensure that the total number of visits made  
2 by caseworkers on a monthly basis to children in foster care during  
3 a federal fiscal year is not less than 95 percent of the total number  
4 of those visits that would occur if each child were visited once  
5 every month while in care and that the majority of the visits occur  
6 in the residence of the child. The county child welfare and  
7 probation departments shall comply with data reporting  
8 requirements that the department deems necessary to comply with  
9 the federal Child and Family Services Improvement Act of 2006  
10 (Public Law 109-288) and the federal Child and Family Services  
11 Improvement and Innovation Act of 2011 (Public Law 112-34).

12 (m) The implementation and operation of the amendments to  
13 subdivision (i) enacted at the 2005–06 Regular Session shall be  
14 subject to appropriation through the budget process and by phase,  
15 as provided in Section 366.35.

16 SEC. 3. To the extent that this act has an overall effect of  
17 increasing the costs already borne by a local agency for programs  
18 or levels of service mandated by the 2011 Realignment Legislation  
19 within the meaning of Section 36 of Article XIII of the California  
20 Constitution, it shall apply to local agencies only to the extent that  
21 the state provides annual funding for the cost increase. Any new  
22 program or higher level of service provided by a local agency  
23 pursuant to this act above the level for which funding has been  
24 provided shall not require a subvention of funds by the state nor  
25 otherwise be subject to Section 6 of Article XIII B of the California  
26 Constitution.